PUBLIC AWARENESS UPDATE

MAY 31, 2007

EVENTS

➢ Final rule was published May 19, 2005

➢ CFR Part 195.440 was added – titled Public Awareness

➢ Requires operators to follow guidance in API RP 1162

➢ Baseline and Supplemental Programs

EVENTS

➤ Written program was to have been completed by June 20, 2006

➤ Initial distribution of awareness materials must be completed by June 20, 2007

➤ First evaluation of program effectiveness must be completed within four years from the date the written PA program is completed.

Requirements

- ➢ Old requirements
  - Must have public education program
  - Must have emergency responders liaison effort
- ➢ New requirements
  - Must meet API RP 1162 standards, which goes beyond old requirements in specificity, scope, documentation and evaluation for effectiveness

Stakeholder Audience

- Four major groups
  - Affected public
  - Emergency officials
  - Local public officials
  - Excavators

Affected Public

➢ Residents

➢ Farmers

➢ Neighborhood organizations

➢ Places of congregation

➢ Program is NOT for the general public

Emergency Officials

➢ Fire departments

➢ Law enforcement

➢ Emergency management

➢ Other emergency response organizations

Public Officials

➢ Planning/Zoning licensing/Permitting Boards

➢ Government officials and Governing Councils

Excavators

➢ Home Construction and Land Developers

➢ Excavation Rental Companies

➢ Real Estate Sales

➢ One Call Centers

Message Frequency

➤ Affected Public – every two years

➤ Emergency Officials – annually

➤ Local Public Officials – every three years

➤ Excavators - annually

195.440 vs 195.442

➢ Public awareness regulation (195.440) is not the same as the Damage Prevention regulation (195.442)

➢ 195.440 requires a written continuing public education program

➢ 195.442 requires a written program to prevent damage to pipelines

Clearinghouse

- Team review of operators' programs
- Clearinghouse will compare programs to API 1162 criteria
- 8 states opted to have their own review
- Programs were to be submitted to Clearinghouse by Oct 8, 2006
- Reviews will continue through Oct 2007

REVIEW

➢ 52 questions looked at by Clearinghouse

➢ 8 on Emergency Officials

➢ 8 on Local Public Officials

➢ 8 on Excavators

➢ 10 on Affected public

➢ 18 on the program contents

Submittals

➢ Required an Operator ID#

➢ Person to contact, e-mail address and telephone number

➢ Types of Pipelines covered by the same Operator Id#

Submittals

- E-filing of programs at:
  - http://ops.dot.gov
  - Stakeholder communications
  - Public Awareness submittals
  - OPS On Line Data Entry System

  - Can also get a electronic copy of API 1162

SFM Role

➢ PHMSA Clearinghouse sends SFM confirmation number of receipt of PA program

➢ Once review is completed they e-mail to SFM deviations they find from RP 1162 and comments

➢ SFM forwards these to the operator for their response to comments

SFM Role

➤ SFM and operator review deviations. SFM can accept the deviations or have the operator make changes.

➤ If SFM accepts deviations as being okay, SFM notifies PHMSA of acceptance.

➤ Effective March 23, 2007 PHMSA not requiring coding of deviations to Database.

SFM Role

➤ SFM approves program

➤ Operators implement PA program

Violations

➢ Operator has not established or followed its PA program

➢ Written program not completed by June 20, 2006

➢ Operator has not met time frames shown in PA program

➢ Program and media used do not reach all areas in the operator's area

Violations

➢ Program not conducted in other languages where necessary

➢ Operator did not collect and retain documentation to demonstrate compliance

➢ Operators who have not submitted plans are in violation. Need to submit. Clearinghouse will continue evaluations through Oct 2007

WEBSITES

➤ http://opsweb.rspa.dot.gov/cfdocs/opsapps/pipes/main.cfm   To obtain Operator ID #

➤ http://ops.dot.gov Link to Stakeholder Communications, then link to Public Awareness to e-file the PA program